IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4163 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KAMLABEN W/O MAHENDRAKUMAR SISODIYA

Versus

DY COLLECTOR

Appearance:

MR SL VAISHYA for Petitioner

MR BH BHAGAT for MR HM BHAGAT for Respondents

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 15/03/2000

ORAL JUDGEMENT

Mr.Bhagat has very candidly stated that with regard to the properties situated outside the Municipal limits of Ahmedabad, Rajkot, Bhavnagar, Jamnagar and Surat, the Stamp Duty Act is not applicable in case they are less than 100 sq.mtrs. It is also stated that the

petitioner's case is factually correct that the property in question is less than 100 sq.mtrs. and is situated in Deesa, Banaskantha District. Mr. Bhagat has submitted that the case of the petitioner is covered by the Govt. Resolution dated 27th October 1998 issued by the Revenue Department, Govt. of Gujarat, copy of which has been placed on record with the petition as Annexure.D. In this view of the matter, the impugned order dated 3rd June 1998 passed by the respondent no.1 at Annexure.A with the petition is hereby quashed and set aside. The order dated 16th January 1999 passed by the respondent no.2 at Annexure.B is also quashed and set aside. This Special Civil Application is accordingly allowed. Rule is made absolute. No order as to costs.

(M.R. Calla, J.)

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